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SUBJECT: OSCE PERMANENT COUNCIL: STATEMENT ON THE DENIAL  
OF JUDICIAL REVIEW IN ZHOVTIS CASE

**¶1.** (U) Post is authorized to present the following statement  
at the December 17, 2009, Permanent Council meeting in Vienna.  
Begin text:

Thank you, Madam Chairwoman,

The United States is disappointed that a judicial panel of  
the Almaty District Court refused to review the conviction of  
human rights advocate Yevgeniy Zhovtis.

The willingness and the ability of superior courts to review  
the decisions of lower courts for possible error are  
hallmarks of the rule of law. Both within Kazakhstan and in  
the wider OSCE community, numerous voices have pointed to the  
potential flaws in the trial process leading to Mr. Zhovtis'  
conviction; yet these claims have apparently been dismissed  
without a full hearing.

We again call upon Kazakhstan to provide a full and impartial  
review of the trial in Mr. Zhovtis' case and for his fair  
treatment by Kazakhstani penal authorities. Such a review  
would honor the letter and spirit of our shared OSCE  
commitments and the vision that Kazakhstan committed to  
pursue as Chair.

Thank you, Madam Chairwoman.

END TEXT  
CLINTON